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BY: [signature]
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

Cellular Telephone Accounts Associated With Telephone Numbers (423) 895-5732, (423) 302-9299, and (276) 698-4109

Case No. 1:13mj150

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment "A"

located in the ______ District of New Jersey, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
Title 21 USC 841 & 846	Distribution of Methamphetamine and Conspiracy to Distribute Methamphetamine

The application is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

☐ Delayed notice of ____ days (give exact ending date if more than 30 days: ______) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Todd A. Brewer, DEA Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/23/13

[signature: Pamela Meade Sargent]
Judge's signature

City and state: Abingdon, Virginia

Pamela Meade Sargent, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

Particular Verizon Wireless Accounts to Be Searched

This warrant applies to records and other information (including the contents of communications) for the Verizon Wireless accounts associated with the telephone number[s]:

(423) 895-5732, (423) 302-9299, (276) 698-4109

[from March 28, 2013 to present]

to the extent that such records and other information are within the possession, custody, or control of Verizon Wireless, located at 180 Washington Valley Rd., Bedminster, New Jersey, 07921. Verizon Wireless is required to disclose to the government, for each such account:

a. All text messages stored and presently contained in, or on behalf of the account;

b. All text messaging logs, including date and time of messages, and identification numbers associated with the handsets sending and receiving the message;

ATTACHMENT B

Particular Things to be Seized

All fruits, evidence and instrumentalities of violations of the statutes listed on the warrant, including (for each account identified on Attachment A):

1. The contents of all records or other information stored in the account, including copies of text messages in the account, relating to:

    a. Text messages relating to the distribution of controlled substances and any conspiracy to distribute controlled substances.

IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF VIRGINIA

Abingdon Division

IN THE MATTER OF SEARCH OF STORED ELECTRONIC COMMUNICATIONS (TEXT MESSAGES) OF TELEPHONE NUMBER(S) – (423) 895-5732, (423) 302-9299, (276) 698-4109	))))))	UNDER SEAL Case No.

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT AND SEARCH WARRANT

I, Todd A. Brewer, Special Agent, United States Department of Justice, Drug Enforcement Administration, being duly sworn, do depose and state as follows:

I make this affidavit in support of an application for a search warrant for certain accounts controlled by Cellco Partnership dba Verizon Wireless, a cellular provider headquartered at 180 Washington Valley Road, Bedminster, New Jersey, 07921. The accounts to be searched are described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Verizon Wireless to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the accounts, including the contents of communications.

I am a Special Agent for the United States Drug Enforcement Administration (DEA) and have been so employed for over fifteen (15) years. Prior to my employment with the DEA, I was a Police Officer for the Prince William County Police Department in Northern Virginia for approximately four (4) years. Prior to my employment with the PWCPD, I was a Deputy Sheriff with the Loudoun County Sheriff's Office in Loudoun County, Virginia for approximately one (1) year.

I was trained as a DEA Special Agent at the DEA/FBI Academy in Quantico, Virginia. While at the DEA/FBI Academy, I received specialized training in the Controlled Substances Act, Title 21, United States Code, including, but not limited to Sections 841 (a)(1) and 846 (Conspiracy and Controlled Substance Violations), criminal organizations engaged in conspiracies to manufacture and/or possess with intent to distribute cocaine, heroin, methamphetamine, marijuana and other dangerous drugs prohibited by law, search and seizure law, and many other facets of drug law enforcement.

During my employment as a DEA Special Agent, I have participated in numerous investigations involving the seizure of the above listed controlled substances, the seizure of narcotic related records and other types of evidence that document a criminal organization's activities in both the manufacturing and distribution of controlled substances.

To successfully conduct these investigations, I have utilized a variety of investigative techniques and resources, including physical and electronic surveillance and various types of informants and cooperating sources. Through these investigations, my training and experience, and conversations with other experienced Agents and law enforcement personnel, I have become familiar with the methods used by traffickers to smuggle and safeguard narcotics, to distribute narcotics, and collect and launder related proceeds. I am aware of the sophisticated tactics they routinely use to attempt to thwart any investigation of their narcotics organizations. My knowledge of these tactics, which include the utilization of numerous different cellular telephones, beepers, counter surveillance, elaborately planned distribution schemes tied to legitimate businesses, false or fictitious identities, and coded communications and conversations, has been particularly useful and relevant to this investigation.

The information contained in this affidavit is based on my personal observations, observations of other law enforcement officers, observations of Cooperating Sources (CS) as related to me, my review of official police and government reports, my review of records and documents gathered during this investigation, and consultation with other Agents involved in the investigation.

This affidavit contains information necessary to support probable cause for the search warrant. The information contained in this affidavit is not intended to include each and every fact and matter observed by or known to the United States.

This affidavit is submitted in support of a request that a search warrant be issued for the stored electronic communications, specifically text messages, associated with the cellular telephones bearing telephone numbers (423) 895-5732 (hereinafter referred to as Target Telephone #1), (423) 302-9299 (hereinafter referred to as Target Telephone #2), and (276) 698-4109 (hereinafter referred to as Target Telephone #3).

Target Telephone #1 is utilized by Daniel Shane REECE, aka "Danny", a methamphetamine distributor in Damascus, VA and Mountain City, TN. Target Telephone #2 is utilized by Richard Charles SHAW, aka "Rick", a methamphetamine source of supply for REECE in Mountain City, TN. Target Telephone #3 is utilized by Russell Wayne CASSELL, aka "Rusty", an associate of Danny REECE involved in the distribution of methamphetamine in Damascus, VA.

STATEMENT OF PROBABLE CAUSE

On January 30, 2013, CS-1 was interviewed in Bristol, VA. CS-1 stated that Rusty CASSELL was a distributor of methamphetamine. CS-1 stated that from 2004 –

2006, CASSELL sold methamphetamine from his garage in Glade Spring, VA. CS-1 stated that in 2011, he/she and Jason Mullinax purchased approximately four (4) ounces of methamphetamine per week from CASSELL. CS-1 stated that CASSELL supplied methamphetamine to many other customers, including Roger Lawson. CS-1 stated that CASSELL was supplied methamphetamine by Rick SHAW from Mountain City, TN.

CS-1 stated that in 2012, he/she met Timothy Gerace, aka "Buddha", at CASSELL's residence. CS-1 stated that Gerace was supplying CASSELL at the time, and CS-1 began to purchase methamphetamine directly from Gerace. CS-1 stated that Gerace took him/her to the residence of Rick SHAW where they all used meth together. It became obvious to CS-1 that SHAW was Gerace's supplier of methamphetamine. CS-1 observed SHAW sell methamphetamine to many different customers.

CS-1 stated that he/she knew that CASSELL was currently selling methamphetamine in Damascus, VA.

CS-1 stated that when he/she discussed methamphetamine utilizing telephones, it was common to utilize codes like "car parts" instead of saying "methamphetamine" or "drugs". CS-1 stated that they used codes so that law enforcement would not know what was being discussed if conversations were being intercepted.

On February 7, 2013, CS-1 recorded a telephone conversation with Gerace. During the conversation, Gerace described how Rick SHAW laundered his drug related proceeds by purchasing land through third parties. Gerace told CS-1 that he liked dealing with the Mexicans better because when he dealt with SHAW, SHAW made him feel as though he owed something. Gerace told CS-1 that he always paid SHAW in cash and on time.

Gerace told CS-1 that he had not talked with Rusty CASSELL lately because CASSELL owed him over $1,000.00. Gerace told CS-1 that he cut CASSELL off. Gerace told CS-1 that if CASSELL didn't pay his debt, Gerace was going to send some friends over to take care of CASSELL. Gerace told CS-1 that CASSELL was getting his methamphetamine from another source.

On March 2, 2013, CS-1 made a controlled purchase of methamphetamine from Timothy Gerace near Mountain City, TN.

On April 11, 2013, CS-2 was interviewed in Bristol, VA. CS-2 stated that Danny REECE was a methamphetamine distributor who owned property in Damascus, VA. CS-2 stated that REECE lived in one residence and Rusty CASSELL rented a second residence from REECE on the same property.

CS-2 stated that in 2009 – 2010, he/she accompanied REECE to the residence of Rick SHAW in Mountain City, TN where they obtained methamphetamine on many occasions. CS-2 stated that REECE transported the methamphetamine into Virginia where he sold it. CS-2 stated that Rusty CASSELL also sold methamphetamine for Rick SHAW.

On April 10, 2013, a search warrant was applied for and obtained in the Western District of Virginia for text messages stored in the account of Target Telephone #1. In response to the execution of this search warrant on Verizon Wireless, agents received text messages stored in that account from March 20 to March 27, 2013. The following is an excerpt from the search warrant results.

March 21, 2013

Target Telephone #1 to Target Telephone #2, "*This is Danny new no. Are you at home for a few?*"
Target Telephone #2 to Target Telephone #1, "*No b back 4 or 5*"
Target Telephone #1 to Target Telephone #2, "*10-4 throw me a text when on way thanks man*"
Target Telephone #1 to Target Telephone #2, "*Need 1 whole an 1 half*"
Roger Lawson to Target Telephone #1, "*You gonna work in D town today?*"
Target Telephone #1 to Lawson, "*Yeah but it will be 5 or 6 before that guy gets home. Then I'll come on*"

Target Telephone #1 to Target Telephone #3, "*He aint home yet*"
Target Telephone #3 to Target Telephone #1, "*Where is he at?*"
Target Telephone #1 to Target Telephone #3, "*He said he would call when he got in bout 5 or 6 prob*"
Target Telephone #3 to Target Telephone #1, "*Hell. Ok*"

Target Telephone #1 to Target Telephone #2, "*?*"
Target Telephone #2 to Target Telephone #1, "*I'm home man*"
Target Telephone #1 to Lawson, "*Man jus text me ill hollor at ya when in hand.*"
Lawson to Target Telephone #1, "*Ok*"

Target Telephone #1 to Lawson, "*Got them truck parts but not comin thay way till morning. Come up if youd like to.*"
Target Telephone #1 to Target Telephone #3, "*Got help but not comi yr way till morn.*"

Based on my training and experience, and my knowledge of this investigation, I believe that Danny REECE utilized the text messaging service on Target Telephone #1 to order 1 ½ ounces of methamphetamine from Rick SHAW, utilizing Target Telephone #2. I believe REECE utilized Target Telephone #1 to notify Roger Lawson and Rusty CASSELL, utilizing Target Telephone #3, that the methamphetamine was in hand but he would not be coming to Damascus ("D town") tonight.

March 23, 2013

Target Telephone #1 to Target Telephone #2, "*You be home in bout an hour*"
Target Telephone #2 to Target Telephone #1, "*I'm on my way from D town now*"

Target Telephone #1 to Target Telephone #3, "*Hey I can get rid of 4 but they just got $110.00 a peace instead of 120.00 can ya do it?*"

Target Telephone #3 to Target Telephone #1, "*Sorry man but im in th hole again cant do it*"
Target Telephone #1 to Target Telephone #3, "*Ok told them I would ask u no biggy brother*"
Target Telephone #1 to Target Telephone #3, "*ETA 25*"

Based on my training and experience, and my knowledge of this investigation, I believe that Danny REECE utilized the text messaging service on Target Telephone #1 to arrange to pick up methamphetamine with Rick SHAW, utilizing Target Telephone #2. I believe that REECE utilized Target Telephone #1 to check with Rusty CASSELL, utilizing Target Telephone #3, to determine if it was okay to sell four (4) grams of methamphetamine for $110.00 apiece as opposed to the regular $120.00 that they usually charged. I believe REECE notified CASSELL that he had the methamphetamine and was only 25 minutes away.

Verizon Wireless Electronic Communications

In my training and experience, I have learned that Verizon Wireless is a company that provides cellular telephone access to the general public, and that stored electronic communications, including retrieved and unretrieved voicemail and text messages for Verizon Wireless subscribers may be located on the computers of Verizon Wireless. Further, I am aware that computers located at Verizon Wireless contain information and other stored electronic communications belonging to unrelated third parties.

Among the services commonly offered by wireless phone providers is the capacity to send short text or multimedia messages (photos, audio, or video) from one subscriber's phone or wireless device to another phone or wireless device via one or more wireless providers. This service is often referred to as "Short Message Service" ("SMS") or "Multimedia Messaging Service" ("MMS"), and is often referred to generically as "text messaging" or "wireless messaging."

I have spoken with representatives of Verizon Wireless and understand that during the regular course of business they may possess up to five (5) days of stored electronic communications, namely text messages.

On April 16, 2013, a letter was sent to Verizon Wireless requesting that they preserve all historical electronic communications associated with the Target Telephone(s), pursuant to Title 18 United States Code (USC) 2703(f).

LOCATION TO BE SEARCHED AND THINGS TO BE SEIZED

I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Verizon Wireless to disclose to the government copies of the records and other information (including the content of communications) particularly described in

Attachment A. Upon receipt of the information described in Attachment A, the information described in Attachment B will be subject to seizure by law enforcement.

CONCLUSION

Based on my training and experience, I know that those involved in drug trafficking activities commonly use cellular telephones, to include the text messaging capabilities, to contact others to discuss and arrange drug transactions and to further their illicit drug business. I also know that it is common for those involved in drug trafficking activities to change cellular telephones and telephone numbers frequently to avoid detection by law enforcement.

Based on the foregoing, there is probable cause to believe that the stored electronic communications, specifically stored text messaging and the associated packet data for the Target Telephone(s), contain evidence of drug trafficking, specifically violations of Title 21 USC 841 and 846, Distribution of Methamphetamine and Conspiracy to Distribute Methamphetamine, respectively.

REQUEST FOR SEALING

It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an ongoing investigation into the criminal organizations as not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that, online criminals actively search for criminal affidavits and search warrants via the internet, and disseminate them to other online criminals as they deem appropriate, i.e., post them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on April 23, 2013, at Abingdon, Virginia.

Todd A. Brewer, Special Agent
Drug Enforcement Administration

SWORN AND SUBSCRIBED TO BEFORE ME
THIS 23rd DAY OF APRIL, 2013

HONORABLE JUDGE PAMELA MEADE SARGENT
UNITED STATES DISTRICT COURT IN THE
WESTERN DISTRICT OF VIRGINIA

Reviewed by:
Zachary T. Lee
Assistant United States Attorney
Western District of Virginia, Abingdon